

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

DENISE HAAGE, individually and on  
behalf of a class of similarly situated  
individuals,

Plaintiff,

v.

SENDME, INC., a Delaware  
corporation,

Defendant.

Case No. 09-cv-00984 (DWF/SRN)

**STIPULATION TO STAY**  
**PROCEEDINGS**

THIS STIPULATION TO STAY THE PROCEEDINGS IN THIS ACTION is made and entered into between Plaintiff DENISE HAAGE and Defendant SENDME, INC. (collectively, the "Parties"), by and through their respective counsel.

**Recitals**

A. WHEREAS, on March 26, 2009, Plaintiff filed her initial complaint in this case in the Minnesota District Court, Fourth Judicial District, Hennepin County, alleging Restitution/Unjust Enrichment (Count I), Tortious Interference with Contract (Count II); Deceptive Trade Practices in violation of Minn Stat. §§ 325D.44, *et. seq.* (Count III); and Violation of Minn Stat. §§ 325F.67, *et. seq.* (Count IV), all of which relate to allegedly unauthorized mobile content charges she received from Defendant (the "Action");

B. WHEREAS, Defendant SendMe, Inc., timely removed the Action to this Court on April 27, 2009 (*see* Dkt. # 1);

C. WHEREAS, Defendant SendMe, Inc. filed a motion to dismiss May 7, 2009, and

Plaintiff Haage filed a motion to remand on May 27, 2009, both of which are set for hearing on September 25, 2009;

D. WHEREAS, a separate action entitled *Paluzzi v. Cellco Partnership d/b/a Verizon Wireless and mBlox, Inc.*, No. 07 CH 37213, is pending in the Circuit Court of Cook County, Illinois against mBlox (an aggregator) and Verizon Wireless, involving similar claims related to alleged unauthorized mobile content charges (the “mBlox Action”);

E. WHEREAS, the mBlox Action has resulted in a global effort to resolve and settle multiple similar class actions pending in state and federal courts across the country against mobile content providers, aggregators and wireless carriers, and in late August 2009 a global settlement was reached with mBlox and multiple such industry actors, including without limitation, Defendant SendMe, Inc., that resolves and settles numerous class actions pending in state and federal courts across the country, including without limitation, this Action (“the mBlox Settlement”);

F. WHEREAS, both Plaintiff Denise Haage and SendMe, Inc. have joined in the mBlox Settlement, and on August 28, 2009 plaintiff in the mBlox Action moved for preliminary approval of the mBlox Settlement;

G. WHEREAS, in the event the mBlox Settlement receives final approval and final judgment is entered by that court, the claims in this Action will forever be resolved, discharged, and released and the complaint in this Action shall be dismissed with prejudice; and

H. WHEREAS, in light of the mBlox Settlement, the Parties request that this Court stay these proceedings for all purposes pending final approval of the mBlox Settlement.

**NOW, THEREFORE**, the Parties agree to jointly move the Court as follows:

1. These proceedings, including all briefing deadlines and other aspects of the case are hereby stayed for one hundred ten (110) days through and including December 22, 2009.
2. The Parties are to apprise the Court by December 18, 2009 of the status of the mBlox Settlement.

Dated: September 3, 2009

By: s/Matthew R. Salzwedel

Matthew R. Salzwedel (#312903)  
LOCKRIDGE GRINDAL NAUEN P.L.L.P  
100 Washington Ave., South, Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
Facsimile: (612) 339-0981  
[mrsalzwedel@locklaw.com](mailto:mrsalzwedel@locklaw.com)

Attorneys for Plaintiff Denise Haage, individually,  
and on behalf of classes of similarly situated  
individuals

Dated: September 3, 2009

By: s/Anthony N. Kirwin

Eric J. Nystrom (# 19489X)  
Anthony N. Kirwin (#387847)  
LINDQUIST & VENNUM  
4200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
Tel.: (612) 371-3211  
Fax: (612) 371-3207  
[enystrom@lindquist.com](mailto:enystrom@lindquist.com)  
[akirwin@lindquist.com](mailto:akirwin@lindquist.com)

Rodger R. Cole  
Todd Gregorian  
Leslie A. Kramer  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
Telephone: (650) 988-8500  
Facsimile: (650) 938-5200  
Pro hac vice applications to be filed

Attorneys for Defendant SendMe, Inc.